

PS5162.02 DEFINITION OF TERM-CRIMES OF VIOLENCE



U.S. Department of Justice
Federal Bureau of Prisons



Change

Notice

DIRECTIVE BEING CHANGED: 5162.02
CHANGE NOTICE NUMBER: CN-01
DATE: April 23, 1996



1. PURPOSE AND SCOPE. To clarify the Bureau of Prisons' definition of "crimes of violence" as that term is used in various program statements.

2. SUMMARY OF CHANGES. Section 7 has been modified to correct the parenthetical for "Boobytraps on Federal Property," 18 U.S.C. § 841(e). This section has also been modified to include a new criminal offense for "Unlawful acts" - explosive materials, 18 U.S.C. § 842. The penalty section for these crimes was already included in the program statement but the offense section was inadvertently omitted. Additionally, new criminal offenses have been added to the section for 18 U.S.C. § 922, "Unlawful acts" - Firearms and 26 U.S.C. § 5861(a)-(1), "Prohibited Acts" - Firearms.

Section 9 lists statutes that may be crimes of violence depending upon whether certain Specific Offense Characteristic Enhancements were awarded and provides instructions for how to determine whether a conviction pursuant to such statutes constitutes a crime of violence. This change updates the list of statutes and provides a new example intended to clarify when a statute listed in this section is violent.

Section 10 lists statutes that may be crimes of violence depending upon the description of the offense in the "Offense Conduct" section of the Presentence Investigation Report. This change notice provides further instruction and clarification regarding application of this section to the statutes listed.

A new section 11 has been included to provide specific instructions regarding "Bank robbery and Incidental Crimes," 18 U.S.C. § 2113(a).

A sentence was added to what was previously section 11 (now section 12) to provide clarification as to the basis for determining whether an old law offense should be deemed violent.

As with all program statements, case management staff may contact Regional Counsel if they have questions regarding this Change Notice and the program statement.

3. TABLE OF CHANGES.

Remove

Pages 3-10

Insert

Pages 3-13, CN-1

4. ACTION. File this Change Notice in front of Program Statement 5162.02

\s\
Kathleen M. Hawk
Director



U.S. Department of Justice
Federal Bureau of Prisons

Program

Statement

OPI: OGC
NUMBER: 5162.02
DATE: July 24, 1995
SUBJECT: Definition of Term,
"Crimes of Violence"

1. PURPOSE AND SCOPE. To implement various portions of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) that make reference to "nonviolent offense," and "crime of violence," specifically, Section 20417, Notification of Release of Prisoners, Section 20405, Crediting of "Good Time," and Section 32001, Substance Abuse Treatment in Federal Prisons. This Program Statement defines "crime of violence" as that term is used in these sections of the VCCLEA. The definition includes broad statutory language, as well as a framework for determining which specific criminal offenses fall within the statutory definition.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. An inmate whose offense is a crime of violence will have that status reflected in his or her record and be subject to the limitations imposed by that status.

b. Case management staff will review relevant documents to determine whether an inmate has committed a crime of violence.

3. DIRECTIVES REFERENCED

P.S. 5322.09	Classification and Program Review of Inmates (03/10/94)
P.S. 5330.10	Drug Abuse Programs Manual, Inmate (05/25/95)
P.S. 5800.07	Inmate Systems Management Manual (12/24/91)
P.S. 5800.08	Receiving and Discharge Manual (06/15/93)
P.S. 5880.28	Sentence Computation Manual (CCCA of 1984) (02/21/92)
P.S. 5880.30	Sentence Computation Manual (Old Law, Pre-CCCA of 1984) (07/16/93)

4. STANDARDS REFERENCED. None.

5. STATUTORY DEFINITION. Title 18 of the United States Code defines "crime of violence" in Section 924(c)(3) as follows:

" The term 'crime of violence' means an offense that is a felony and--

- (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."

6. CRIMINAL PROVISIONS OF THE UNITED STATES CODE. Criminal offenses are defined in many different titles of the United States Code including Titles 7, 16, 18, 21, 26, 29, 30, and 46. The offenses contained within these titles that may be crimes of violence are listed in the various sections below. If a particular code section in these titles is not listed below, and case management staff believe that the crime might be violent, they should contact Regional Counsel. Additionally, if a Judgment and Commitment Order references a United States Code section that is not found in Titles 7, 16, 18, 21, 26, 30, 42, or 49, please contact Regional Counsel to determine whether the particular offense should be categorized as a "crime of violence."

Some of the Code sections may be listed in more than one section below; this duplication is indicated by an asterisk. In such cases, staff should check subsequent sections of the Program Statement to determine whether the offense is a "crime of violence."

7. CRIMINAL OFFENSES THAT ARE CRIMES OF VIOLENCE IN ALL CASES. Any conviction for an offense listed below should be categorized as a "crime of violence."

a. Title 18, United State Code Sections

- § 32 (destruction of aircraft)
- § 34 (penalty when death results)
- § 35(b) (conveying false information that harms human life)
- § 36 VCCLEA addition (firing weapons into group of persons)
- § 37 VCCLEA addition (violence at international airports)
- § 43(b) (animal enterprise terrorism causing death or injury)
- § 81 (arson w/in maritime jurisdiction)
- § 111 (assaulting officers of the United States)
- § 112(a) (assaulting foreign officials)

E 113 (assaults w/in maritime jurisdictions)
E 114 (maiming w/in maritime jurisdiction)
E 115 (threatening family member of a federal official)
E 175 (biological weapons)
E 231 (civil disorders)
E 245 (federally protected activities)
E 247(a)(1) (damage to religious property/obstruction of
exercise of religion)
E 247(a)(2) (obstruction of persons in free exercise of
religion)
E 351 (assassination of cabinet and congress members)
E 373 (soliciting to commit a violent act)
E 753 (rescue of an inmate to prevent execution)
* E 842 (explosive materials) *
E 844 (penalties)
E 871 (threats against the President)
E 875(a),(b),(c) (interstate communications)
E 878 (threats against foreign officials)
E 879 (threats against former presidents)
* E 922(a)(4), (a)(7), (a)(8), (b)(4), (b)(5), *
(d)(1), (d)(2), (d)(4), (d)(8),
(g),(o),(p) (firearms violations)
E 924(c) (firearms used in violent or drug trafficking
crimes)
E 930(b) & (c) (possession of firearms in federal
facilities)
E 970(a) (damage of property owned by foreign
governments)
E 1091 (genocide)
E 1111 (murder)
E 1112 (manslaughter)
E 1113 (attempt to commit murder or manslaughter)
E 1114 (murder of officers)
E 1116 (murder of foreign officials)
E 1117 (conspiracy to murder)
E 1118 VCCLEA addition (murder in correctional
institution)
E 1119 VCCLEA addition (foreign murder of US national)
E 1120 VCCLEA addition (murder by escaped prisoner)
E 1121 VCCLEA addition (murder by state or local officer)
E 1201 (kidnapping)
E 1203 (hostage taking)
E 1204 (international parental kidnapping)
E 1364 (interference by foreign commerce by violence)
E 1365 (tampering with consumer products) except
1365(b),(c)
E 1512(a) (killing witness or victim)
E 1513 (retaliation against witness or victim)
E 1581 (peonage)

E 1583 (enticement into slavery)
E 1584 (sale into servitude)
E 1585 (slave trading)
E 1587 (possession of slaves aboard a vessel)
E 1588 (transporting slaves)
E 1651 (piracy)
E 1652 (citizens as pirates)
E 1653 (aliens as pirates)
E 1655 (assault on commander as pirates)
E 1659 (attack to plunder a vessel)
E 1661 (robbery ashore)
E 1751 (assassination of president or staff)
E 1792 (mutiny or riot)
E 1859 (surveys interrupted)
E 1864 (hazardous devices on federal lands)
E 1958 (use of interstate commerce in murder for hire)
E 1959 (violent crimes aiding racketeering)
E 1991 (entering train to commit crime)
E 1992 (wrecking trains)
E 2101 (riots)
E 2111 (special maritime jurisdiction)
E 2113(d),(e) (bank robbery and incidental crimes)
E 2114 (assault of person carrying mail)
E 2115 (breaking into post office)
E 2118(a),(b),(c) (robberies and burglaries involving
controlled substances)
E 2119 (crimes involving motor vehicles)
E 2191 (cruelty to seamen)
E 2231(b) (assault or resistance)
E 2232(a) (destruction of property to prevent seizure)
E 2233 (rescue of seized property)
E 2241 (aggravated sexual abuse)
E 2242 (sexual abuse)
E 2244(a) (abusive sexual contact)
E 2261 VCCLEA addition (interstate domestic violence)
E 2275 (firing or tampering with vessels)
E 2276 (breaking and entering vessels)
E 2280 VCCLEA addition (violence against maritime
navigation)
E 2281(NOT (A)), VCCLEA addition (violence against fixed
platforms)
E 2332 (penalties for homicide)
E 2332a VCCLEA addition (use of weapons of mass
destruction)
E 2340A (torture)
E 2383 (rebellion or insurrection)
E 2384 (sedition conspiracy)
E 2385 (advocating the overthrow of the government)
E 2389 (recruiting for service against U.S.)
E 2390 (enlistment to serve against U.S.)

- È 2421 (transportation for illegal sexual activity)
- È 2422 (coercion into interstate travel for illegal sexual activity)
- È 2423 (transportation of minors for illegal sexual activity)

b. Title 21 United States Code Sections

- * È 841(e) (boobytraps on federal property) *
- È 848(e) (death penalty for criminal offenses)
- È 858 (endangering human life while manufacturing controlled substances)

* c. Title 26 United States Code Sections *

- È 5861(a)-(1) (firearms)

d. Title 42 United States Code Sections

- È 2283(a) (protection of nuclear inspectors)
- È 2284(a) (sabotage of nuclear facilities)
- È 3631 (interference with housing)

e. Title 49 United States Code Sections

- È 46502 (aircraft piracy)
- È 46504 (interference with flight crew members)
- È 46505(c) (carrying a weapon on an aircraft)
- È 46507 (false information and threats)

8. CRIMINAL OFFENSES THAT MAY BE CRIMES OF VIOLENCE DEPENDING ON THE BASE OFFENSE LEVEL ASSIGNED. Convictions for an offense listed below may or may not have involved the use, attempted use, or threat of force, or presented the substantial risk that force might be used against the person or property of another. At the time of sentencing, the court makes a finding if an offense listed below involved violence, and this finding is reflected in the Presentence Investigation Report section entitled "Offense Computation," subsection entitled "Base Offense Level." This subsection references a particular United States Sentencing Guideline provision that distinguishes between violations of the particular criminal code section that are committed with and without force.

Example: Title 18 United States Code Section 241, Conspiracy Against Rights provides:

If two or more persons conspire to injure, oppress, threaten or intimidate any inhabitant . . .

. in the free exercise or enjoyment of any right or
privilege

This crime could be committed through the use of force or threat of use of force, or not, since one can be oppressed through means other than force. Pursuant to United States Sentencing Guideline Section 2H2.1, if the crime involved obstructing an election or registration and the obstruction occurred using force or threat of force against persons or property, the base offense level is 18. If the obstruction occurred through non-violent means, such as forgery, fraud, theft, deceit, etc., the base offense level is 12. If an offender was convicted of an offense listed below, case management staff must examine the base offense level to determine whether the offense was a crime of violence. If the Presentence Investigation Report does not include an explanation as to the reason for assigning a particular base offense level, case management staff may need to examine the particular Sentencing Guideline referenced.

Some of the offenses listed below may correspond to more than one Sentencing Guideline, only one of which includes a base level adjustment for violence. Accordingly, it is possible that an examination of the Offense Computation section of the Presentence Investigation Report may reveal no mention of violence. When the Presentence Investigation Report fails to explain the reason for assigning a particular base offense level, case management staff must examine the particular Sentencing Guideline referenced to determine whether the court found that the use of force was implicated in the offense.

A list of offenses for which the Sentencing Guidelines base offense level is affected by the presence of violence follows:

Title 18 United States Code Sections

E 33	(destruction of motor vehicles or facilities)
E 241	FOR OTHER THAN CONSPIRACY (conspiracy against rights)
E 242	(deprivation of rights under color of law)
E 592	(putting troops at polls)
E 593	(interference by armed forces)
E 1791	(possessing contraband in prison)
E 1952	(transporting items in aid of racketeering)
E *2116	(railway or steamboat post office)
E 2231(a)	(assault on persons executing search warrant)
E 2381	(treason)

9. CRIMINAL OFFENSES THAT MAY BE CRIMES OF VIOLENCE DEPENDING ON THE SPECIFIC OFFENSE CHARACTERISTIC ASSIGNED. Convictions for an offense listed below, like those listed in Section 8 above, may

or may not meet the crime of violence definition by involving the use, attempted use, or threatened use of force, or by presenting a substantial risk that force might be used against the person or property of another. At the time of sentencing, the court makes a finding if the offense involved violence, and this finding is reflected in the Presentence Investigation Report section entitled "Offense Computation," under the subsection entitled "Specific Offense Characteristics." This subsection references a particular United States Sentencing Guideline that provides for an increase in the Total Offense Level if the criminal violation was committed with force.

- * Example: Section 841 of Title 21 United States Code makes it a *
crime to manufacture, distribute, or possess with the intent to
distribute drugs. Under the Sentencing Guidelines (§ 2D1.1 and
§ 2D1.11) the defendant could receive an increase in his or
her base offense level because of a "Specific Offense
Characteristic," e.g., if a dangerous weapon was possessed during
commission of the offense, the court would increase the
defendant's base offense level by 2 levels. This particular
"Specific Offense Characteristic" (possession of a dangerous
weapon during the commission of a drug offense) poses a
substantial risk that force may be used against persons or
property. Accordingly, a defendant who has received a conviction
for manufacturing drugs, (21 U.S.C. § 841) and receives a two
level enhancement for possession of a firearm has been convicted
* of a "crime of violence." *

Some of the offenses listed below may correspond to more than one Sentencing Guideline, only one of which includes a Specific Offense Characteristic for violence. Alternatively, the Presentence Investigation Report may fail to adequately describe the Specific Offense Characteristic that underlies the increase in offense level. In either case, it is possible that an examination of the Offense Computation section of the Presentence Investigation Report reveals no mention of violence. If this occurs, case management staff must examine the particular Sentencing Guideline referenced to determine whether the court found that the use of force was implicated in the offense.

Example: The Presentence Investigation Report in the above scenario may state "SOC (specific offense characteristic) 2F1.1(4) increase 2 levels." If the Report does not further state "since the offense involved the conscious or reckless risk of serious bodily injury, increase by two levels pursuant to 2F1.1(4)," the case management staff may have to examine Guideline 2F1.1(4) to determine that the only basis for this particular increase is a finding that the offense included the risk of bodily injury.

Case management staff may contact Regional Counsel if they have questions regarding this section. Below is a list of offenses for which there could be a Specific Offense Characteristic enhancement for the use of violence:

a. Title 16 United States Code Sections

- Ē 773e(a)(2),(3),(4),(6) (violation of Northern Pacific Halibut Act)
- Ē 773g (violation of Northern Pacific Halibut Act)
- Ē 1857(a)(D),(E),(F),(H) (violation of National Fishery Management Program)
- Ē 1859 (violation of National Fishery Management Program)
- Ē 2435(4),(5),(6),(7) (violation of Antarctic Marine Living Resources Convention)
- Ē 2438 (violation of Antarctic Marine Living Resources Convention)
- Ē 3606 (violation of North Atlantic Salmon Fishing)
- Ē 3637(a)(2),(3),(4),(6),(c) (violation of Pacific Salmon Fishing)
- Ē 5009(5),(6),(7),(8) (violation of North Pacific Anadromous Stock Convention)
- Ē 5010(b) (violation of North Pacific Anadromous Stock Convention)

b. Title 18 United States Code Sections

- Ē 755 (officer permitting escape)
- Ē 757 (procures escape for prisoner of war)
- Ē 874 (kickbacks from public works employees)
- Ē 894 (extending credit through extortionate means)
- Ē 1163 (embezzlement/theft from Indian organizations)
- Ē 1503 (influencing or injuring officer or juror)
- Ē 1505 (obstruction of proceedings before departments or agencies)
- Ē 1511 (obstruction of state or local law enforcement)
- Ē 1516 (obstruction of a federal audit)
- Ē 1517 (obstructing financial examination)
- Ē 1951 (interference with commerce by threats or violence)
- Ē 2112 (robbery of personal property of United States)
- Ē *2116 (breaking into a mail car)

c. Title 21 United States Code Sections

- Ē 841(NOT (e)), (controlled substance violation)
- Ē *846 (attempt and conspiracy)

d. Title 26 United States Code Sections

- È 7212 (attempt to interfere with revenue laws)
- È 7214 (unlawful acts by employees of the IRS)

e. Title 30 United States Code Sections

- È 1461(a)(3),(4),(5),(7) (resisting officers for violations
under Deep Seabed Mineral Resources Act)
- È 1463 (violations of Deep Seabed Mineral Resources Act)

f. Title 33 United States Code Section

- È 1232(b)(2) (ports and waterways safety enforcement provisions)

g. Title 40 United States Code Section

- È 193f(a) (security of Capitol grounds and buildings)

h. Title 42 United States Code Sections

- È 1973aa (application of prohibition to other States)
- È 1973aa-1 (residence requirements for voting)
- È 1973aa-1a (bilingual election requirements)
- È 1973aa-3 (penalty)
- È 1973bb (enforcement of twenty-sixth amendment)
- È 1973gg-10 (criminal penalties)
- È 2283(b) (protection of nuclear inspectors)
- È 19151(2),(3),(4),(5) (violation of Ocean Thermal Energy Conversion Act)
- È 9152(d) (violation of Ocean Thermal Energy Conversion Act)

i. Title 46 United States Code Section

- È 1903 (Manufacture, Distribution, or possession with intent to manufacture controlled substances)

j. Title 49 United States Code Section

- È 46505(b) (carrying a weapon on an aircraft)

10. CRIMINAL OFFENSES THAT MAY BE CRIMES OF VIOLENCE DEPENDING ON A VARIETY OF FACTORS. In addition to the two lists in Sections 8 and 9 above, there are several more code sections that can be violated with or without force. For the crimes listed below, the Sentencing Guidelines provide little insight into the court's findings on this issue. Accordingly, rather than simply examining the base offense level or the specific

offense characteristics, case managers must carefully examine the entire Offense Computation section of the Presentence Investigation Report, and, if necessary, the Offense Conduct section, to determine whether the offense was violent.

For the sections listed below, staff should look carefully to see if the offense was committed through the use or threatened use of force against a person or property, or whether commission of the offense involved a substantial risk that force would be used against a person or property.

- * Some of the statutes listed in this section cover conspiracy offenses, (see, e.g., 18 U.S.C. § 371 and 21 U.S.C. § 846) where an individual has planned with others to commit a particular crime. Other listed statutes cover attempt offenses (see, e.g., 21 U.S.C. §§ 846 and 963) where an individual tried but did not succeed in committing a particular crime. In order to determine whether one these offenses is violent, it is necessary to examine the "underlying offense" (what the defendant was conspiring to do or attempting to do). If the underlying offense would be classified as violent pursuant to the provisions of this program statement, e.g., murder, then the attempt or the conspiracy offense is also violent. The underlying offense may be noted on the Judgment and Commitment Order and will certainly be included in the Presentence Investigation Report. *

Example: The Judgment and Commitment Order may indicate a conviction for "Attempt and Conspiracy" (21 U.S.C. § 846). The accompanying Presentence Investigation Report will reference the underlying crime, in many cases it will be "Possession with Intent to Distribute a Controlled Substance" (21 U.S.C. § 841). Staff should then review the underlying offense (in this case possession of controlled substance) using the categories in this program statement. As noted in the example on Section 9, if the Presentence Report indicates that the defendant received a 2 level increase for possessing a dangerous weapon ("Specific Offense Characteristic" for guideline § 2D1.1 or 2D1.11 applicable to 21 U.S.C. § 841 violations), then the offense should be deemed violent; if no such enhancement was given, the offense should be deemed nonviolent.

There are some statutes that do not criminalize behavior, but rather set out penalties that will result from violating other statutes.

Example: 18 U.S.C. § 924(a)(1)(B) provides that whoever "knowingly violates subsection (a)(4), (f), (k), (r), (v), or (w) of section 922 . . . shall be fined under

this title, imprisoned not more than five years, or both."

The Judgment and Commitment Order may indicate the sentence was imposed pursuant to the penalty provisions of § 924(a)(1)(B) without indicating the conviction for the underlying offense. The PSI, however, will note the underlying conviction, e.g., "Transporting a Destructive Device in Interstate Commerce" (18 U.S.C. § 922(a)(4)). In order to determine whether the offender's current offense is violent, staff should assess whether the underlying offense is violent in accordance with the provisions of this policy; if the underlying offense is violent, then the offender should be deemed violent.

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Below is a list of offenses that may be violent depending on a variety of factors.

a. Title 7 United States Code Section

Ē 473c-1 (offenses in relation to sampling of cotton)

b. Title 16 United States Code Sections

Ē 5106(e)(5),(6),(7),(9),(f)(2) (violation of Atlantic Coast Fisheries Cooperative Management)

c. Title 18 United States Code Sections

Ē 241 if conspiracy (conspiracy to deprive of civil rights)
Ē 371 (conspiracy to commit offense or fraud against United States)
Ē 372 (conspiracy to impede or inure officer)
Ē 700 (desecration of the flag of the United States)
Ē 751 (escape from federal prison)
Ē 752 (instigating or assisting escape from federal prison)
Ē 831 (prohibited acts involving nuclear materials)
Ē 876 (mailing threatening communications)
Ē 877 (mailing threatening communications from foreign country)
Ē 924 (penalties for firearms violations)
Ē 1153 (offenses within Indian Country)
Ē 1512(b) (tampering with a witness/victim/informant)
Ē 1708 (theft or receipt of stolen mail)
Ē 1792 (mutiny and riot in prison)
Ē 1956 (money laundering)
Ē 1962 (racketeering)
Ē 2117 (breaking into carrier facilities)
Ē 2118(d) (robberies involving controlled substances)

È 2152 (destruction of submarine and torpedo works)
È 2153 (destruction of war materials)
È 2154 (production of defective war material)
È 2155 (destruction of national defense materials)
È 2156 (production of defective national defense
material)
È 2192 (incitation of seamen to revolt)
È 2193 (mutiny)
È 2247 (repeat offenders)
È 2387 (activities involving armed forces)

d. Title 21 United States Code Sections

È *846 (attempt and conspiracy)
È 848 (controlled substances violations as criminal
enterprise)
È 963 (conspiracy or attempt to violate controlled
substance laws)

e. Title 40 United States Code Sections

È 193f(a),(b) (security of Capitol grounds and buildings)

f. Title 42 United States Code Section

È 2000(e)(13) (killing of officer while enforcing Equal
Employment Act)

11. TITLE 18 UNITED STATES CODE SECTION 2113(a).

Title 18 United States Code Section 2113(a) provides in pertinent
part:

Whoever, by force and violence, or by intimidation,
takes or attempts to take, from the person or presence
of another, or obtains or attempts to obtain by
extortion any property or money or any other thing of
value belonging to, or in the care, custody, control,
management, or possession of, any bank, credit union,
or any savings and loan association; . . . shall be
fined under this title or imprisoned not more than
twenty years, or both.

This statute covers various offenses, including not only bank
robbery, but embezzling bank funds, stealing bank property and
bank larceny.

With regard to the specific crime of bank robbery, the offense should be considered a crime of violence pursuant to section 924(c)(3) since, due to the circumstances surrounding bank robberies, the offense involves an explicit or implicit threat of force and thus has as an element the "threatened use of physical force against the person or property of another."

However, as to other offenses covered by 18 U.S.C. § 2113(a), (e.g. bank larceny), similar to offenses in Section 9, defendants may receive a Specific Offense Characteristic enhancement that will result in an increase in the base offense level. Such enhancements provide for an increase in the defendant's base offense level if a firearm was discharged, if a firearm or other dangerous weapon was brandished, displayed, possessed or used or if an express or implied threat of death was made (U.S.S.G. 2B3.2(b), Application Notes 2 and 6). If a defendant received such an enhancement (or one of the other enhancements involving violence), the crime should be deemed "violent."

12. OFFENSES COMMITTED BEFORE NOVEMBER 1, 1987. The Sentencing Guidelines are, generally, not applicable for offenses committed before November 1, 1987. Accordingly, for offenses identified in sections 8 through 10 above that were committed before this date, case managers must make their own determination, based on the narrative description of the crime contained in the Presentence Investigation Report, whether the crime has as an element the use of force or threat of force, or the offense, by its nature, posed a substantial risk that force would be used (see definition in 18 U.S.C. § 924(c)(3) quoted above).

13. CRIMES CODIFIED PURSUANT TO THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994. The VCCLEA created a number of new Federal criminal offenses and enhanced penalties for several existing offenses. Some of the new offenses are included in the above lists, but the lists will be revised as needed after the United States Sentencing Commission drafts new guidelines. The above lists will be updated periodically to reflect legislative changes.

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Kathleen M. Hawk
Director